

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

WENGUI GUO a/k/a Miles Kwok,)	Case No. 1:18-CV-00174-LO-TCB
)	
Plaintiff,)	
v.)	
)	
YELIANG XIA,)	
Defendant.)	
_____)	

**DEFENDANT’S MOTION FOR JUDGMENT AS A MATTER OF LAW, MOTION
FOR REMITTITUR, OR, IN THE ALTERNATIVE, A NEW TRIAL**

COMES NOW the Defendant, Yeliang Xia, through Counsel, and moves this Honorable Court to set aside the jury’s verdict and enter a judgment as a matter of law in favor of the Defendant or, in the alternative, either grant a remittitur of the jury award, or order a new trial.

In support of this motion, Defendant Xia states the following:

- 1) After a jury trial, the jury returned a split verdict. For the purposes of this motion and the memorandum of points and authorities in support of this motion, Defendant Xia is only addressing that portion of the verdict in favor of the Plaintiff Guo.
- 2) The jury awarded Guo \$30,000 in actual damages and \$20,000 punitive damages on both claims of defamation and defamation per se, for a total award of \$100,000.00.
- 3) Plaintiff adduced no evidence at trial of actual monetary damage, either in his capacity as an individual, nor as a limited-public figure. Additionally, Plaintiff’s own pleadings reduced his claim of actual damage to \$1.

- 4) Plaintiff testified that subsequent to the statements by the Defendant Xia, Plaintiff organized and carried out successful governmental protests in Hong Kong, in his capacity as a dissident (he testified that he is not employed). Thus evincing no damage to his reputation.
- 5) Any defamation statements attributed to Defendant Xia were already publicly available from New York City's civil court filings, other sources (as evidenced by uncontroverted testimony from Defendant Xia), or confirmed as true by Guo's pleadings.
- 6) The jury's awards of \$30,000 of actual damage does not have a rational relationship to the evidence presented at trial.
- 7) The jury's awards of \$20,000 of punitive damage does not have a rational relationship to the evidence presented at trial.

Wherefore the above stated reasons, those in the Memorandum of Points and Authorities in Support of this Motion, and any argument that may be made in Court, Defendant Xia respectfully requests the Court grant his motion and enter a judgment in favor of Defendant Xia, or, in the alternative either grant a remittitur of the jury award, or order a new trial.

Respectfully submitted,

____s_____
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Counsel for Defendant Yeliang Xia

CERTIFICATE OF SERVICE

The undersigned certifies that on this 24th day of July, 2019, he caused to be served upon all interested parties, a copy of the above-captioned Motion via this Court's ECF Broadcasting system.

s

Harry Dennis